

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:
	:
THE FINANCIAL OVERSIGHT AND	: PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	: Title III
	:
as representative of	: Case No. 17-BK-3283 (LTS)
	:
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	: (Jointly Administered)
	:
Debtors. <sup>1</sup>	:
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**JOINDER OF THE AVOIDANCE ACTIONS TRUSTEE TO OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS' LIMITED RESPONSE IN SUPPORT OF UBS  
FINANCIAL SERVICES INCORPORATED OF PUERTO RICO'S  
MOTION TO ENFORCE THE PLAN OF ADJUSTMENT**

**To the Honorable United States Magistrate Judge Judith G. Dein:**

Drivetrain, LLC (“Trustee”), in its capacity as the trustee of the Commonwealth Avoidance Actions Trust (the “Avoidance Actions Trust”) hereby submits this joinder (the “Joinder”) to the *Limited Response in Support of UBS Financial Services Incorporated of Puerto Rico’s Motion to*

1 The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Enforce the Plan of Adjustment* (the “Limited Response”) [ECF No. 22186 at 17-bk-3283] filed by the Official Committee of Unsecured Creditors (the “Committee”)<sup>2</sup>.

1. For the reasons set forth in the Committee’s Limited Response, the Trustee agrees with the relief requested in UBS Financial Services Incorporated of Puerto Rico’s (“UBS”) *Motion to Enforce the Plan of Adjustment and for Related Injunctive Relief* [ECF No. 21651 at 17-4780] (“Motion to Enforce”).

2. In general terms, the claims asserted by certain ERS Plaintiffs have been transferred to the Avoidance Actions Trust via the Confirmed Plan of Adjustment<sup>3</sup>. As such, the Avoidance Actions Trust is the sole remaining party with standing to advance the causes of action at issue. The Trustee will continue to prosecute claims against UBS and seeks to maximize their value through the pursuit of a global resolution, as mandated by Section 78.6 of the Confirmed Plan of Adjustment – “to investigate, prosecute, settle and/or abandon rights, Causes of Action, or litigation of the Avoidance Actions Trust.” (Confirmed Plan of Adjustment § 78.6).

WHEREFORE, the Trustee respectfully requests the Court take notice of this Joinder and grant the relief requested in the Limited Response consistent with this motion.

Dated: September 14, 2022

By: /s/ John Arrastia  
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<sup>2</sup> The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

<sup>3</sup> On January 18, 2022, this Court entered an order confirming the Plan of Adjustment to restructure the Commonwealth’s and the ERS’s debt, including the outstanding debt to pensioners and holders of the ERS’s pension obligation bonds. [ECF No. 19813-1 (the “Confirmed Plan of Adjustment”)]

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